

134

TERMINATION OF RESTRICTIVE COVENANT
FOR
ZONING CASE: C14-82-091

Owner The David M Fender Family Limited Partnership,
 a Texas limited partnership

Address P O Box 449, Tyler, Texas 75710

City The City of Austin, a home-rule city, municipal corporation and political
 subdivision of the State of Texas, in Travis County, Texas

City Council The City Council of the City of Austin

Consideration Ten and No/100 Dollars (\$10 00) and other good and valuable
 consideration paid by the Owner to the City of Austin, the receipt and
 sufficiency of which is acknowledged

WHEREAS, Frederick B Parke of Travis County, Texas, as owner of all that certain property described in Zoning Case No C14-82-091 (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 8074, beginning at Page 337, (the "Restrictive Covenant"), imposed certain restrictions and covenants on the Original Property by the Restrictive Covenant of record, and,

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council and (b) the Owner of the Property at the time of such modification, amendment or termination, and,

WHEREAS, The David M Fender Family Limited Partnership, a Texas limited partnership, is the sole and current owner (the "Owner") of the Original Property on the date of this termination and desires to terminate the Restrictive Covenant, and,

WHEREAS, the City Council and the Owner, as the sole and current owner of the Original Property, agree the Restrictive Covenant should be terminated,

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner, agree as follows

1 The Restrictive Covenant is terminated by this termination. Each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall have no force or effect on and after the effective date of this termination.

2 The City Manager, or her designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No C14-82-091 as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Property Records of Travis County, Texas, which will terminate the document of record in Volume 8074, beginning at Page 337.

EXECUTED this the _____ day of _____, 2007

OWNER

The David M. Fender Family Limited Partnership,
a Texas limited partnership

By



Michael McHone,
Authorized Agent

CITY OF AUSTIN:

By

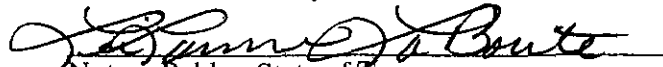
Laura J. Huffman,
Assistant City Manager,
City of Austin

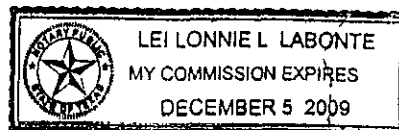
THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 19th day of June 2007, by Michael McHone, as authorized agent on behalf of The David M. Fender Family Limited Partnership, a Texas limited partnership


Notary Public, State of Texas



THE STATE OF TEXAS

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of _____ 2007, by Laura J Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention. Diana Minter, Paralegal